

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL SECTION

UNITED STATES DISTRICT COURT
DIST. OF MASS

FILED IN OPEN COURT

9/9/04
Deputy-Clerk

DAVINCI BIOMEDICAL RESEARCH PRODUCTS,
INC.,

Plaintiff,

v.

TOSHIBA AMERICA MEDICAL SYSTEMS, INC.,

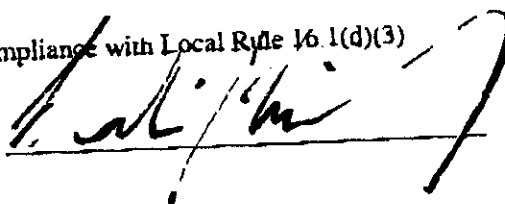
Defendant.

Civil Action No. 04-CV-40027 (NMG)

CERTIFICATION OF FREDRIC J. FRIEDBERG,
ESQ. IN COMPLIANCE WITH LOCAL RULE
16.1

FREDRIC J. FRIEDBERG, hereby certifies as follows:

1. I am the General Counsel of Toshiba America Medical Systems, Inc. ("TAMS") the defendant in this matter.
2. On behalf of TAMS, I have retained the firm of Drinker Biddle & Reath, and specifically, John A. Ridley, Esq., a partner in that firm, to represent TAMS's interests in this litigation. Kenneth Pickering of the firm of Mirick O'Connell is representing TAMS as local counsel in this matter. I have had prior experience with Drinker Biddle & Reath, and specifically with John A. Ridley, in representing TAMS's interests in litigation.
3. On several occasions, I have discussed with John Ridley the economic aspects of the defense of this matter. We have discussed specifically efforts by TAMS to minimize the expense of the defense and the prosecution of our counterclaims. We have also discussed the concept of alternative dispute resolution and TAMS is not opposed to an effort to mediate the matter at an early stage in the litigation.
4. I have received from Mr. Ridley the proposed settlement communicated by counsel for the plaintiff. That settlement is not acceptable to TAMS, particularly in light of the counterclaims which TAMS has asserted and which we believe to have merit.
5. Mr. Ridley and I have discussed the various components of a litigation budget.
6. I am making this Certification in compliance with Local Rule 16.1(d)(3)



Fredric J. Friedberg

Dated: September 9, 2004

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